

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID G. VEHEC and GIGI C. VEHEC, )  
on behalf of themselves and all others )  
similarly situated, )  
Plaintiffs, ) Civil Action No. 15-1035  
)  
v. ) District Judge Mark R. Hornak  
) Chief Magistrate Judge Maureen P. Kelly  
ASSET ACCEPTANCE, LLC, BANK OF )  
AMERICA CORPORATION, BANK OF )  
AMERICA, N.A., ENCORE CAPITAL ) Re: ECF No. 31  
GROUP, INC., and JOHN DOES 1 – 25, )  
Defendants. )

**O R D E R**

AND NOW, this 19<sup>th</sup> day of September, 2016, after Plaintiffs David G. Vehec and Gigi C. Vehec (“Plaintiffs”) filed an action in the above-captioned case, and after a Motion to Dismiss was filed by Defendants of Bank of America, N.A. and Bank of America Corporation (*collectively*, “BOA”), and after a Report and Recommendation was filed by the Chief United States Magistrate Judge giving the parties until August 25, 2016, to file written objections hereto, and upon consideration of the Objections filed by BOA, and the response to the Objections submitted by Plaintiffs, and upon independent review of the record, and upon consideration of the Magistrate Judge’s Report and Recommendation, which is adopted as the opinion of this Court, IT IS HEREBY ORDERED that the Motion to Dismiss is GRANTED, in part, and DENIED, in part, with respect to Count II of Plaintiffs’ Amended Complaint, and DENIED with respect to Count III.

By the Court:



United States District Judge

cc: Honorable Maureen P. Kelly  
Chief United States Magistrate Judge

All Counsel of Record Via CM-ECF